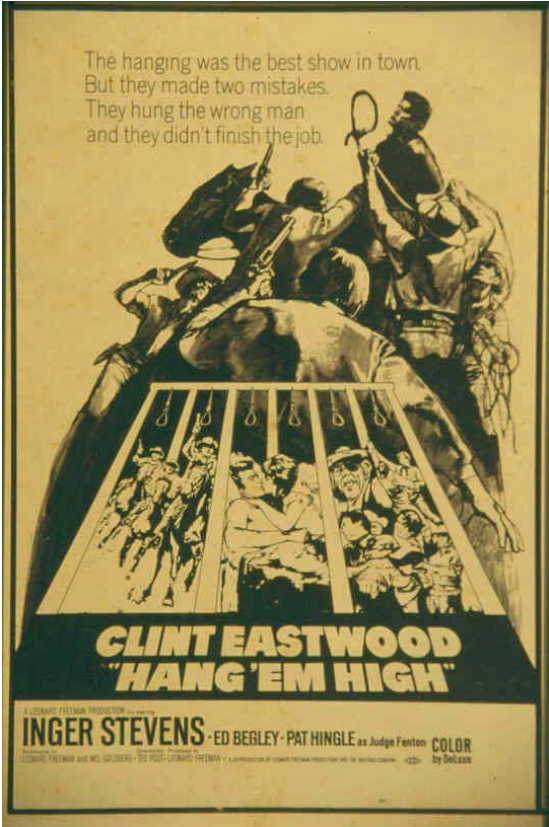


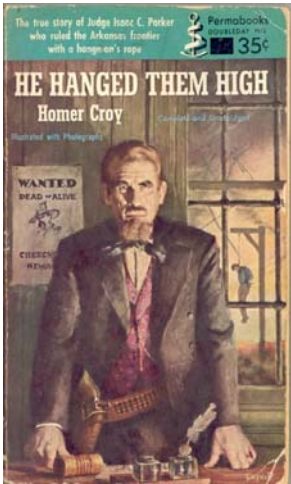
Fort Smith goes to the movies: *Hang ‘Em High*

Fort Smith in fact and fiction

Since the late 1800s, the characters who played out their lives in Fort Smith and the Indian Territory have inspired many books and novels. In the 20th century, American cinema have also found them a goldmine for imaginative stories of harrowing adventure. Hollywood’s vision of this region is gripping - but the real story of what happened here is just as fascinating!



Background: “He Hanged Them High”



The first and the most significant of the popular accounts of the federal court in Fort Smith is Homer Croy’s He Hanged Them High: An Authentic Account of the Fanatical Judge Who Hanged Eighty-Eight Men published in 1952. Croy, a newspaperman from Missouri, was a prolific writer whose historical works include other western topics, such as Jesse James Was My Neighbor. Adept at spinning a good tale, Croy had a reputation among other writers as someone who “frequently dreams up things.” The first edition of the book featured a bright and dramatic cover with illustrations of Judge Parker and the gallows in the background. Later paperback editions would go even further with this imagery.

Published by Little, Brown and Company, He Hanged Them High, reached a national audience. The vivid, engaging style of Croy made a good story even better. Croy’s work was based on the standard narrative of the federal court and Judge Parker as established in earlier books, but it extends through many embellishments that would soon form a part of the standard orthodoxy of the Judge Parker story. Previously, writers of the early twentieth century

had separated Judge Parker from the story of the executions. Croy intertwines Judge Parker with the gallows and executions. Croy’s work introduced a second narrative view of Parker and the gallows; depicting Parker as a man driven by fanatical religious beliefs, obsessed with punishing the wicked. In regards to the number of executions, Croy states, “There is no way to establish that eighty-eight were hanged... I have used eighty-eight for Judge Parker... because it appears to be as accurate as any. After eighty, a man or two, one way or another, doesn’t matter.” While sensational and inaccurate, Croy’s book is significant in that it raised public attention to the history of the federal court and helped spark the community movement to restore the courtroom and gallows.

Judge Isaac C. Parker as depicted by Homer Croy comes to represent the frontier justice ideal. Common elements of the mythology of frontier justice are that justice was *simple, moral, necessary, swift, public, and rugged*. As presented by Homer Croy, Judge Parker and the executions at Fort Smith include all of these elements.

The Film

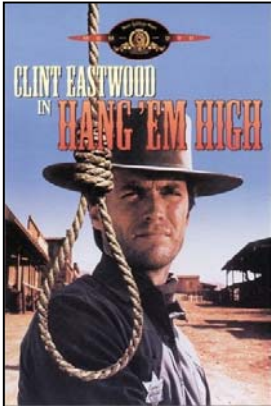
Clint Eastwood had starred in the television series *Wagon Train*, in the late 1950s and 1960s. In the mid 1960s, Eastwood went to Italy and starred in Sergio Leone’s ‘Spaghetti-Western’ series, *A Fistful of Dollars*, *For a Few Dollars More*, and *The Good, the Bad, and the Ugly*. *Hang ‘Em High* was Eastwood’s return to Hollywood.

The story of the film appealed to Eastwood; “it had a subject matter that was interesting; the pros and cons of capital punishment.” Director Ted Post had first worked with Eastwood during his time on

Wagon Train. The film became a break through role for Clint Eastwood, and within a few years he would go on to star in the first of the “Dirty Harry” series and gain prominence as a major western star.

More than just a revenge thriller, the film is about the politics of law enforcement and the consequences of justice. *Hang ‘Em High* was made in a leery, late sixties visual style, with cameras pushing in on faces and cuts which seem timed to upset a viewer’s internal rhythms and accentuates the violence featured in the film.

Fact and Fiction



Hang ‘Em High, starring Clint Eastwood, is loosely based on Homer Croy’s book, He Hanged Them High. While the film’s connection to Homer Croy’s book is uncredited, there are numerous similarities between the film and the story by Croy; including the title of the two works, certain reoccurring terminology (the phrase “Tumbleweed wagon”), and the characterization of the judge. Significant for its violent and stylized view of the executions, *Hang ‘Em High* is notable in its visual presentation and mixed message regarding frontier justice.

As in Croy’s book, the Judge character is in control of the executions, nodding at the hangman to begin the execution. While Judge Parker never attended any of the executions that occurred during his tenure, *Hang ‘Em High* not only places him at the scene, but also actively involves him, setting up the mythology of the Judge standing at the window, watching the executions out of a sense of duty.

Further reinforcing the mythology established in the narrative of He Hanged Them High, a condensed version of the novel appeared in *True* magazine in April of 1952. Accompanying the article was an illustration depicting an angry, absorbed judge, looking out his window to the gallows featuring six hanging nooses and a large crowd. It is significant to note that scenes almost identical to this illustration are used in the film, demonstrating the power of the imagery contained in Croy’s book.

In the film, the hangings are all depicted as public, with children sitting on a fence watching and a massive crowd in attendance. The federal court’s role is played down, accentuating the Judge’s

obsession with ridding the land of bad men.

While the executions scenes bear passing similarities to the executions in Fort Smith, some details are based on events that occurred during the real executions. Many of the condemned men at Fort Smith would speak on the platform for some time, confessing the crime, and attempting to be an example for the attending witnesses. James Lamb, executed in 1887, asks for a chew of tobacco and is allowed to put the remainder in his pocket before the execution.

Hang ‘Em High came out at a time when Hollywood was producing films that pushed the accepted levels of violence. During the same year, films such as *Bonnie and Clyde* and *The Wild Bunch*, both notorious and highly criticized for their violent content are also released. The graphic depictions of lynching, execution by hanging, and gun violence fit this visual style; the theatrical trailer for *Hang ‘Em High* is even punctuated by a cartoon figure of a man hanging from a noose.

Hang ‘Em High is typical of many films of the western genre in that it took historical truth and exaggerated it to create a captivating movie. Due to its appealing imagery and extensive use of the symbol of the noose, *Hang ‘Em High* remains the most influential of the films based on the Fort Smith story.

Questions to consider

This film, like all movies, is intended primarily as entertainment. However, as a historical drama, the film contains a great number of messages and misconceptions about the past. When watching *Hang ‘Em High*, use the following questions to think further about the movie and its message:

- How does the film stereotype “Frontier Justice?”
- In depicting executions at Fort Smith, what kind of statement does the film make about capital punishment?
- How does this film characterize Judge Fenton? Is he seen as a sympathetic and fair character?
- Is *Hang ‘Em High* just a revenge-seeking story? What messages does the film contain about the politics of law enforcement and the

consequences of justice?

- *Hang ‘Em High* begins by showing a group of vigilantes attempting to lynch the character of Jed Cooper. How does this scene contrast with the executions shown later in the film?
- In what fashion are the deputy marshals depicted during the course of the film? Does the Deputy Bliss, the man who saves Jed Cooper at the beginning of the film seem to be a fair man?
- *Hang ‘Em High* was released at a time when Hollywood films contained what was considered excessive and increasingly graphic violence. How does this film compare to violence as seen in movies today?

Bibliography/
For Further Reading

If the film *Hang ‘Em High* interests you, here are more sources you can use to explore the history and themes behind the movie:

Croy, Homer. He Hanged Them High: An Authentic Account of the Fanatical Judge Who Hanged Eighty-Eight Men. 1st ed. New York: Duell, Sloan and Pearce, 1952.

Harman, Samuel W. Hell on the Border: He Hanged Eighty-Eight Men. With an introduction by Julie Galonksa. Fort Smith, Arkansas: Phoenix Publishing Co., 1898; reprint, Fort Washington, PA: Eastern National, 2001.

Toplin, Robert Brent. History by Hollywood: The Use and Abuse of the American Past. Urbana, IL: University of Chicago Press, 1996.

Tuller, Roger H. “Let No Guilty Man Escape” a Judicial Biography of ‘Hanging Judge’ Isaac C. Parker. Legal History of North America, v. 9. Norman, OK: University of Oklahoma Press, 2001.

Burton, Jeffrey. Indian Territory and the United States, 1866-1906: Courts, Government, and the Movement for Oklahoma Statehood. Norman: University of Oklahoma Press, 1995.

Slotkin, Richard. Gunfighter Nation: the Myth of the Frontier in Twentieth-Century America. New York, Toronto, New York: Atheneum, 1992.